IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4135 OF 2005

Navneet @ Naval Ukabhai Sakhiya ...Applicant

vs.
The State of Maharashtra ...Respondent

Mr.V.V.Purwant for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JULY 11,2005.

P.C.:

1. Heard Counsel appearing for the parties. The offence alleged against the Applicant and co-accused is under sections 395,341,342,328,412,414 of Indian Penal Code read with Sections 3 and 25 of the Arms Act. The learned counsel for the Applicant submitted that the Applicant has played no role in the act of robbery even according to the prosecution case. He submitted that at highest what can be said is that the vehicle belonging to the Applicant was used in the act of robbery. Articles worth only Rs.2200/- has been recovered at his instance. He therefore submitted that the Applicant deserves to be enlarged on bail. The learned A.P.P. has opposed the Application by showing relevant material.

2. From the record it appears that the vehicle which was used for robbery is owned by the Applicant. The presence of the Applicant at the time of robbery is established in test identification parade. The driver of the truck appears to

have identified the applicant. Moreover, it is stated that three other accused are absconding.

3. The allegation is that the robbery was of silver items worth Rs.11 lakhs and more. The recovery which has been made till today is only worth Rs.2200/- at the instance of the Applicant. The case of the prosecution is that jeep which was used to stop the truck containing the silver articles is owned by the Applicant and property taken out from the truck was put in the jeep. These are the factors which show the complicity of the Applicant in a crime of a very serious nature. Hence, no case is made out for grant of bail. Application is rejected.

JUDGE